



Department of Human Resources
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FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: ROSEMARY MALONE, EXECUTIVE DIRECTOR

**RE: CHANGES IN FLEEING FELON, PAROLE AND PROBATION
VIOLATORS POLICY**

PROGRAM AFFECTED: FOOD SUPPLEMENT PROGRAM (FSP)

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND TRAINING (PRT)

SUMMARY

The Food and Nutrition Service (FNS) recently issued clarification regarding what constitutes a fleeing felon or a parole violator for FSP disqualifications. In accordance with FNS' clarification, this Action Transmittal provides guidelines on how a local department of social services (LDSS) determines whether an individual is a fleeing felon or parole violator for FSP purposes.

BACKGROUND

Under the fleeing felon provisions of The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), to disqualify an individual, he or she must be: 1) fleeing to avoid prosecution, custody or confinement, **after a conviction** for committing a crime or for attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing, or 2) violating a condition of probation or parole imposed under federal or state law. The eligibility requirements regarding "verified" fleeing felons or parole and probation violators have not changed. Both verified parole and probation violators and fleeing felons are **ineligible for FSP**.

CLARIFICATION

Each state was required to adopt a uniform method of determining fleeing felon or parole violator status. The State of Maryland adopted the Federal Four-Part test to

establish fleeing felon or parole or probation status for an individual. According to 7CFR 273.11(n), before the local department determines an individual is a fleeing felon, the following four criteria must be met:

1. There must be a felony warrant for the individual.
2. The individual has to be aware of, or should have reasonably expected that, a warrant has or would have been issued.
3. The individual has to have taken some action to avoid being arrested or jailed such as:
 - Moved out of state
 - Frequently changed addresses
 - Used false identities
4. A law enforcement agency must be actively seeking the individual.

ACTION REQUIRED

The local departments of social services (LDSS) are responsible for obtaining verification of fleeing felon and probation and parole violator status. Local departments may become aware of outstanding warrants on applicants or recipients through law enforcement agencies, data matches, third party information or self-disclosure.

The LDSS must verify that the individual suspected of being a fleeing felon had knowledge of the outstanding warrant either because the individual was served the warrant personally or because the individual was advised of the warrant by the local department.

- The individual is not a fleeing felon until he or she knows of the warrant for his or her arrest.
 - At the time the individual becomes aware of the warrant, he or she becomes a fleeing felon or probation and parole violator.
- The LDSS must contact the federal, state or local law enforcement agency and request information about the felony warrant or the probation and parole violation and whether the law enforcement agency intends to actively pursue the individual. The LDSS must:
 - Allow the law enforcement agency **20 days** to respond to the request.
 - Continue to process the customer's application while awaiting verification of fleeing felon or parole/probation violator status.
- If law enforcement **does not indicate** that it intends to enforce the felony warrant, arrest the individual, or there is no response from the law enforcement agency **within 30 days of the date of the local department's request**, the individual cannot be deemed a fleeing felon or a probation or parole violator for FSP purposes.

- The local department must document the case file accordingly, narrate actions in CARES and complete case processing.

For **Transitional Food Supplement (TFS) cases**, when there is a known fleeing felon or parole and probation violator in the TFS assistance unit, **DO NOT** break the TFS cycle. Once the TFS cycle is over or at redetermination, remove the parole or probation violator or fleeing felon from the FSP case.

CARES

There are no changes to CARES procedures.

INQUIRIES

Please direct FSP questions to Vera Lynch at 410- 767-7953 or vera.lynch@maryland.gov.

cc: DHR Executive Staff
FIA Management Staff
Constituent Services
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OIG